

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GERALDINE L. LEE,

Plaintiff,

vs.

NNAMHS, ALEXANDER, CITY AUTO
TOW, CITY OF SPARKS POLICE
DEPT., COOK, FLOWERS, JACKSON,
MOORE, REYNOLDS, et al.,

Defendants.

3:06-CV-0433-LRH (RAM)

ORDER

Plaintiff has filed a Motion for Reissuance of Service to Defendant Heather Flowers (Doc. #89). Defendants have opposed the Motion (Doc. #91) and there has been no reply.

Plaintiff's Motion is, in effect, a motion to extend the time to serve Defendant Flowers beyond the 120 day period allowed for service in Fed. R. Civ. P. 4(m). The Plaintiff bears the burden of proving that good cause exists to excuse a delay in service of process. *Lepone-Dempsey v. Carroll County Comm'rs*, 476 F.3d 1277, 1281 (11th Cir. 2007). Minimally, good cause requires a showing of good faith and a reasonable basis beyond the Plaintiff's control, for failing to comply with the Rules. *Id.* at 1281-82.

In this case Plaintiff has known that Defendant Heather Flowers was a former employee of Northern Nevada Adult Mental Health Services, that the office of the Attorney General had received no notification that she had been properly served and that the office of the Attorney General did not currently represent Defendant Flowers since the filing of Defendants' Answer to Amended Civil Complaint on December 19, 2006 (Doc. #26). Plaintiff has done absolutely nothing since that time to either extend the time for service on

1 Defendant Flowers or to effect service on Defendant Flowers. As such Plaintiff has failed in
2 her burden of proving that good cause exists to excuse the delay in service of process on
3 Defendant Flowers.

4 Plaintiff's Motion for Reissuance of Service to Defendant Heather Flowers (Doc. #89)
5 is **DENIED**.

6 DATED: April 24, 2008.

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UNITED STATES MAGISTRATE JUDGE
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